

KENNY C. GUINN
Governor

STATE OF NEVADA

Don Henderson
Director



Sparks Office:
2150 Frazer Avenue
Sparks, NV 89431-5566
(775) 688-1166
Fax (775) 688-2533

Las Vegas Office:
2300 McLeod Street
Las Vegas, NV 89104-4314
(702) 486-4690
Fax (702) 486-4695

DEPARTMENT OF AGRICULTURE

350 Capitol Hill Avenue
Reno, Nevada 89502-2923
Telephone (775) 688-1182 Fax (775) 688-1178

Carson City Office:
251 Jeanell Drive, Suite 3
Carson City, Nevada 89703-4196
(775) 688-1182 Fax (775) 882-5121

Elko Office
1351 Elm Street
Elko, NV 89801-3364
(775) 738-8076
Fax (775) 738-2639

Winnemucca Office
1200 E. Winnemucca Blvd.
Winnemucca, NV 89445-2999
(775) 623-6502
Fax (775) 625-1200

September 7, 2004

Dear Feed Manufacturers and Dealers:

By now, you have probably heard that the United States Department of Agriculture is again making available excess stocks of nonfat dry milk (NDM) for use in a livestock feed program. USDA has asked the Nevada Department of Agriculture (NDOA) to facilitate distribution of this commodity. The program is a cooperative effort between NDOA, USDA Farm Service Agency (FSA), Nevada Association of Counties and University of Nevada Cooperative Extension.

Enclosed is information on the program, as well as the new forms that you will need to work with the 2004 NDM Livestock Feed Assistance Program.

If you have any questions, please contact the NDOA at 775-688-1180 ext. 281.

Sincerely,

Don Henderson
Director

Benny Romero: Chair: Livestock
Harvey Barnes: Livestock
George Botta: Pest Control
Marta Agee, General Farming

NEVADA BOARD OF AGRICULTURE

David Cassinelli: Livestock
Chris Hellwinkel, Vice Chair: Dairy

Dan Hetrick: Row Crop
Jim Johnson: Nursery

Susan Ray: General Agriculture
Deloyd Satterthwaite: Sheep
Lawrence Waugh: Petroleum

Feed Manufacturers and Dealers for the 2004 Nevada Livestock NDF Program

Elko County area:

Stockman's Supply - Steve Smith
2091 Last Chance Road
Elko, NV 89801
Phone 775-738-7449 Fax 775-738-8387

IFA - Darla Barkdull
390 30th Street
Elko, NV 89801
Phone 775-738-6233 Fax 775-738-7443

Humboldt County area:

Rose Feed/Livestock Supply-Charlie Rose
4320 W. Winnemucca Blvd.
Winnemucca, NV 89445
Phone 775-625-1515 Fax 775-625-3115

Ron's Seed & Supply – Ron Schrempp
710 Grass Valley Road
Winnemucca, NV 89445
Phone 775-623-5053 Fax 775-623-5022

Lincoln County area:

Kirkeby's White Pine Feed- Kaye Kirkeby
1234 High Street, P.O. Box 690
Ely, NV 89301
Phone 775-289-4521 Fax 775-289-3826

Cedar Grove/IFA Feed-Chris, Hal Bybee
106 West Mineral Drive
Ely, NV 89301
Phone 775-289-9117 Fax 775-289-8691

Out of State

*Cache Commodities - Gene Roschewski
P.O. Box 387
Ogden, UT 84402
Phone 800-327-3234 Fax 801-392-2498

Cargill Inc. - Travis Blackhurst
759 E. Main
Grantsville, UT 84029
Phone 801-791-4772 Fax 435-844-0701

*Key*Lix, Winn Inc. – Kelly Winn
325 West 600 South
Smithfield, UT 84335
Phone 435-563-6215 Fax 435-563-6216

Anipro Xtraformance Feeds – Wes Klett
5626 W. 19th, Ste. B
Greeley, CO 80634
Phone 970-396-8914 Fax 970-339-4592

Vitalix – Tim Whitaker
26251 S. US Highway 87
Canyon, TX 79015

*Desert Rose Ranch Inc. – Larry Heil
2655 North 700 East
Castleford, ID 83321
Buell Toll Free Phone 866-664-8827
Phone 208-543-8523 Fax 208-543-8528
Mike Morrison – Representative
P.O. Box 824
Wells, NV 89835
Phone 775-752-3644 Cell 775-752-0971

IFA - Ken Robinson
650 N. 300W.
Cedar City, UT 84720
(435) 586-6312

*Cattlemen's Choice/Loomix – Jodi Stone
P.O. Box 610
Johnstown, CO 80534
Phone 970-587-4626 Fax 970-587-2402

*Knox McDaniel Co – Lon Shears
P.O. Box 1184
Ogden, UT 84401
Phone 801-399-3775 Fax 801-399-3784

**USDA Approved Dealer*

The 2004 Non-Fat Dry Milk (NDM) Livestock Feed Assistance Initiative

The United States Department of Agriculture (USDA) is providing assistance to livestock producers in Elko, Humboldt and Lincoln counties that need help in maintaining foundation livestock herds as the result of extreme drought conditions. USDA used the June 15, 2004 U.S. Drought Monitor to determine this eligibility. Excess non-fat dry milk (NDM) stocks will be provided to supplement feed and reduce feed costs. The Nevada State Department of Agriculture (NDA) will administer the state program.

Eligible livestock are foundation herds of beef cattle, bison, sheep and goats. A foundation herd is defined as a herd kept for the sole purpose of breeding and reproduction (seed stock).

The producer of these herds will fill out a herd self-certification form; NDA will send a voucher for their allotment. The vouchers can be redeemed/bartered/sold to a feed dealer/manufacture or a company which will act as a drop point or buyer of the product.

The NDM can be fed to foundation and feeder beef cattle, bison, sheep and goats. It may NOT be fed to dairy cattle, veal, poultry, swine or fish. Animals destined for milk production can NOT be fed the NDM. It is anticipated that producers will receive an allocation of approximately 45 pounds per eligible cattle and bison for 30 days and 11.25 pound per eligible sheep and goat for 30 days.

The final **ENROLLMENT** deadline is **October 29, 2004**. Vouchers will be mailed after **November 15, 2004**.

Feed dealers/Manufacturers/Drop Points (Full Truck-Loads) Sign-Up Instructions

1. Feed dealer/manufacture or other companies wanting to serve as a consolidation location or drop point can be on this list. Please provide **company name, contact name, address, phone, fax, email and loading capabilities** to NDA (email dthain@agri.state.nv.us or fax 775-688-1733)
 - ⇒ The facility **must** be capable of unloading a closed truck/van in a reasonable time period. Any costs associated with unreasonable unloading delays shall be the responsibility of the recipient.
2. Fill out USDA agreement CCC 334.
3. Fax a copy to NDA (775-688-1733).
4. Fax a copy to USDA (816-823-1805) and mail original to:
Kansas City Commodity Office (KCCO)
P.O. Box 419205, Mail Stop 8718, Kansas City, MO 64141-6205
5. Your company name will be added to the 2004 Nevada Authorized NDM Distribution Points list.

2004 Program Rules

***** NDM is denatured and is NOT for human consumption. *****

- NDM is NOT for human consumption.
- NDM can NOT be exported from the United States.
- NDM can NOT be fed to dairy cattle, veal, poultry, swine, and fish.
- NDM can NOT be fed to animals destined for milk production.
- NDM can be fed to foundation and feeder cattle, bison, goats and sheep.
- NDM can be bartered, exchanged or sold **ONLY** within the states of Arizona, Idaho, Montana, Nebraska, Nevada, New Mexico, Oregon, Utah or Wyoming.
- It can be processed outside those states as long as it is returned to the states for consumption.
- It can be consumed by eligible livestock normally housed in-state even though the livestock is temporarily quartered elsewhere.

Ordering NDM

All orders must go through the NDA.

- An order form, Order Form KC 327, and the relative voucher(s) should be faxed to (775) 688-1733 or mailed to NDA, NDM Livestock Feed Program, 350 Capitol Hill Avenue, Reno, NV 89502.
- **A representative from the delivery location MUST sign the CCC-334 form and fax it to the numbers listed above BEFORE shipments will be confirmed by USDA.**
- Cost is \$275 for a full truckload of NDM and shall be billed by and paid to USDA.
- NDM can only be delivered in full truckloads of 750 fifty-five (55) pound bags.
- These bags are palletized, shrink-wrapped, and delivered in a closed truck/van.
- The facility must be capable of unloading a closed truck/van in a reasonable time period. Any costs associated with unreasonable unloading delays shall be the responsibility of the recipient.
- An order confirmation will be returned within 48 hours of receipt.
- All shipping costs will be paid by USDA.

The USDA program information website is <http://disaster.fsa.usda.gov/2004ndm.htm>.

For additional information, call 775-688-1182, ext 281.

The 2004 Non-Fat Dry Milk (NDM) Livestock Feed Assistance Initiative

The United States Department of Agriculture (USDA) is providing assistance to livestock producers in Elko, Humboldt and Lincoln counties that need help in maintaining foundation livestock herds as the result of extreme drought conditions. USDA used the June 15, 2004 U.S. Drought Monitor to determine this eligibility. Excess non-fat dry milk (NDM) stocks will be provided to supplement feed and reduce feed costs. The Nevada State Department of Agriculture (NDA) will administer the state program.

Eligible livestock are foundation herds of beef cattle, bison, sheep and goats. A foundation herd is defined as a herd kept for the sole purpose of breeding and reproduction (seed stock).

The producer of these herds will fill out a herd self-certification form; NDA will send a voucher for their allotment. The vouchers can be redeemed/bartered/sold to a feed dealer/manufacturer or a company which will act as a drop point or buyer of the product.

The NDM can be fed to foundation and feeder beef cattle, bison, sheep and goats. It may NOT be fed to dairy cattle, veal, poultry, swine or fish. Animals destined for milk production can NOT be fed the NDM. It is anticipated that producers will receive an allocation of approximately 45 pounds per eligible cattle and bison for 30 days and 11.25 pound per eligible sheep and goat for 30 days.

The final **ENROLLMENT deadline is October 29, 2004. Vouchers** will be mailed after **November 15, 2004.**

Producer Sign-Up Instructions

1. Fill out a NDM Herd Certification Form 2004 and return to NDA at **fax (775) 688-1733**. If there is more than one operation, please submit a form for each.
2. A voucher will be sent to the producer from the NDA. The allocation is calculated from the livestock count submitted multiplied by the factors listed above.
3. Options for redemption of voucher:
 - a. The voucher can be traded/bartered/sold to a feed dealer/manufacturer/drop point/feed lot (etc.)
 - OR**
 - b. The voucher can be redeemed with NDA for direct delivery. If direct delivery is chosen:
 - **The CCC 334 agreement must be signed and approved by USDA.**
 - **A cost of \$275/truckload shall be billed by and paid to USDA.**
 - **The facility must be capable of unloading a closed truck/van in a reasonable time period. Any costs associated with unreasonable unloading delays shall be the responsibility of the recipient.**

For additional information, call 775-688-1182, ext 281.

Feed dealers/Manufacturers/Drop Points (Full Truck-Loads) Sign-Up Instructions

1. Feed dealer/manufacturer or other companies wanting to serve as a consolidation location or drop point can be on this list. Please provide **company name, contact name, address, phone, fax, email and loading capabilities** to NDA (email dthain@agri.state.nv.us or fax 775-688-1733)
 - ⇒ The facility **must** be capable of unloading a closed truck/van in a reasonable time period. Any costs associated with unreasonable unloading delays shall be the responsibility of the recipient.
2. Fill out USDA agreement CCC 334.
3. Fax a copy to NDA (775-688-1733).
4. Fax a copy to USDA (816-823-1805) and mail original to:
Kansas City Commodity Office (KCCO)
P.O. Box 419205, Mail Stop 8718, Kansas City, MO 64141-6205
5. Your company name will be added to the 2004 Nevada Authorized NDM Distribution Points list.

2004 Program Rules

***** NDM is denatured and is NOT for human consumption. *****

- NDM is NOT for human consumption.
- NDM can NOT be exported from the United States.
- NDM can NOT be fed to dairy cattle, veal, poultry, swine, and fish.
- NDM can NOT be fed to animals destined for milk production.
- NDM can be fed to foundation and feeder cattle, bison, goats and sheep.
- NDM can be bartered, exchanged or sold **ONLY** within the states of Arizona, Idaho, Montana, Nebraska, Nevada, New Mexico, Oregon, Utah or Wyoming.
- It can be processed outside those states as long as it is returned to the states for consumption.
- It can be consumed by eligible livestock normally housed in-state even though the livestock is temporarily quartered elsewhere.

Ordering NDM

All orders must go through the NDA.

- An order form, Order Form KC 327, and the relative voucher(s) should be faxed to (775) 688-1733 or mailed to NDA, NDM Livestock Feed Program, 350 Capitol Hill Avenue, Reno, NV 89502.
- **A representative from the delivery location MUST sign the CCC-334 form and fax it to the numbers listed above BEFORE shipments will be confirmed by USDA.**
- Cost is \$275 for a full truckload of NDM and shall be billed by and paid to USDA.
- NDM can only be delivered in full truckloads of 750 fifty-five (55) pound bags.
- These bags are palletized, shrink-wrapped, and delivered in a closed truck/van.

- The facility must be capable of unloading a closed truck/van in a reasonable time period. Any costs associated with unreasonable unloading delays shall be the responsibility of the recipient.
- An order confirmation will be returned within 48 hours of receipt.
- All shipping costs will be paid by USDA.

The USDA program information website is <http://disaster.fsa.usda.gov/2004ndm.htm>.

For additional information, call 775-688-1182, ext 281.

CCC-334 (06-29-04)	U.S. DEPARTMENT OF AGRICULTURE Commodity Credit Corporation	1. FEED DEALER'S NUMBER
NONFAT DRY MILK RESTRICTED USE SALES AGREEMENT		
<p>NOTE: The following statement is made in accordance with the Privacy Act of 1974 (5 USC 552a) and the Paperwork Reduction Act of 1995, as amended. The authority for requesting the following information is Section 4 and 5 of the Commodity Credit Corporation (CCC) Charter Act and Section 165 of Federal Agricultural Improvement and Reform Act of 1996. The information will be used to complete the terms of this Sales Agreement between the Feed Dealer and FSA. Furnishing the requested information is voluntary, however, without it, eligibility to enter into an Agreement with CCC cannot be determined. This information may be provided to other agencies, IRS, Department of Justice, or other State and Federal law enforcement agencies, and in response to a court magistrate or administrative tribunal. The provisions of criminal and civil fraud statutes, including 18 USC 286, 287, 371, 641, 651, 1001; 1014, 15 USC 714m; and 31 USC 3729, may be applicable to the information provided.</p> <p>According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0560-0244. The time required to complete this information collection is estimated to average 15 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. RETURN THIS COMPLETED FORM TO THE KANSAS CITY COMMODITY OFFICE, P.O. BOX 419205, Mail Stop 8718, KANSAS CITY, MO 64141-6205 OR FAX TO 816-823-1805.</p>		
2A. NAME OF FEED DEALER		
2B. FEED DEALER'S ADDRESS (Including Zip Code)	2C. FEED DEALER'S STREET DELIVERY ADDRESS (Including Zip Code)*	
3A. POINT OF CONTACT (POC) FOR FEED DEALER	3B. POC'S TITLE	
3C. POC'S TELEPHONE NUMBER (Including Area Code)	3D. POC'S E-MAIL ADDRESS	
3E. POC'S FAX NUMBER (Including Area Code)		

This Agreement is entered into by the Feed Dealer and the Commodity Credit Corporation (CCC) for sales of nonfat dry milk (NDM) for only those uses specified in this Agreement.

Part 1 - Sales Procedures

- A.** CCC will make CCC-owned denatured NDM available to the Feed Dealer at a cost of \$275.00 per 41,500 pounds. CCC will deliver the denatured NDM on a f.o.b. Feed Dealer's delivery location basis in 25 kg (55.115 lb.) bags; with title and risk of loss transferring to the Feed Dealer on delivery.
- B.** The Feed Dealer will contact Kansas City Commodity Office (KCCO) Dairy and Domestic Operations Division (D&DOD), telephone number (816) 823-1153, for instructions on ordering NDM.
- C.** The Feed Dealer agrees to purchase NDM which has been denatured to prohibit its use for human consumption. Use of this NDM for human consumption or any other use not specified in this Agreement may result in the initiation of criminal proceedings against the Feed Dealer.

Part 2 - NDM Use:

- A.** NDM purchased under this Agreement:
 1. Shall **only** be used for foundation and feeder livestock feed for beef cattle, bison, goats, and sheep.
 2. May be bartered, exchanged or sold so long as the feed is used in an approved state and for an approved species,

* If there are additional Feed Dealer delivery locations, attach the list of addresses on a separate sheet to the back of this form.

3. May be processed outside the state allocated the NDM, provided the processed feed is returned from the processor to one of the states allocated the NDM under the 2004 NDM Livestock Feed Initiative for consumption; and,
4. May be fed to livestock temporarily housed outside the state allocated the NDM, provided the livestock is normally housed in-state.

B. NDM purchased under this Agreement shall **not** be used for any other purpose, including:

1. Processed for or used for human consumption;
2. Fed to dairy cattle, veal, poultry, swine, or fish;
3. Exported from the United States; or
4. Sold or otherwise provided to any person for use in a state other than a state allocated NDM under the 2004 NDM Livestock Feed Initiative.

C. The Feed Dealer:

1. Must take reasonable and practicable measures to ensure that the NDM is only used for foundation and feeder livestock feed as specified in Part 2.A. 1.
Note: CCC will deem as reasonable and practicable obtaining written certification from the producer attesting that the producer is eligible and that the NDM will only be used for eligible livestock under provisions of the 2004 NDM Livestock Feed Initiative.
2. Must, when bartering, exchanging, or selling NDM to parties other than eligible livestock producers, obtain a written agreement from such parties acknowledging proper use of the NDM.
3. Is not responsible for determining producer eligibility under the 2004 NDM Livestock Feed Initiative.

Part 3 - Shipping and Receiving

- A.** CCC is only responsible for delivering the NDM to the specified delivery point. CCC will arrange transportation **only** to the address(es) identified in Item 2C of this Agreement. Delivery to any other address is forbidden under this Agreement. CCC will pay only line-haul (point-to-point) transportation costs. CCC requires transportation companies to submit a proof of delivery as a condition of payment.
- B.** Feed Dealer is responsible for the unloading of palletized shipment. Feed Dealer will remove and dispose of dunnage. Feed Dealer agrees to pay the transportation company for any unloading service it requests of the transportation company. If Feed Dealer requests and transportation company driver agrees to restack product onto pallets or perform any other service in relation to unloading, Feed Dealer will be responsible for related charges. The Feed Dealer may be liable for detention or storage charges resulting from failure to unload the trailer timely, or failure to timely set up an unloading appointment. When receiving shipments, the Feed Dealer agrees to sign a proof of delivery when requested by the transportation company. A proof of delivery shall include, at a minimum, date delivered, number of units delivered in good order, and the signature of the person receiving the shipment. The Feed Dealer will receive a Notice of Delivery from CCC prior to shipment. The Feed Dealer will be invoiced by CCC based on the truckloads represented on the Notice of Delivery issued.

- C. The transportation company is responsible for unloading to the tailgate on non-palletized shipments. Transportation companies will normally give Feed Dealer a 24 hour notice of arrival. Transportation companies allow two hours for unloading palletized loads, and six hours for unloading non-palletized loads.

Part 4 - Financial Arrangements

- A. On a monthly basis, CCC will invoice the Feed Dealer for payment of the amount of NDM delivered to the Feed Dealer. Payment is to be remitted to CCC as directed on the invoice, or you may contact this office at 816-926-6205. If Feed Dealer fails to pay within the time period and conditions specified on the invoice, interest at the rate specified in the invoice shall begin to accrue and continue up to the date CCC receives payment.
- B. At the election of CCC, if the Feed Dealer fails to make arrangements for payment in accordance with this section, CCC may terminate all of the Feed Dealer's rights under this Agreement, and CCC may proceed against the Feed Dealer to recover any damages, including costs, CCC may have sustained.

Part 5 - Liquidated Damages

In the event of the breach of this Agreement by Feed Dealer, the Feed Dealer shall pay to CCC liquidated damages in an amount equal to \$0.50 per pound for each pound of NDM not used as provided in this Agreement, and shipments under this Agreement to the Feed Dealer shall be halted.

Part 6 - Disputes

- A. Any dispute concerning a question of fact arising under this Agreement which is not disposed of by Agreement shall be decided by the contracting officer. The contracting officer shall issue a decision in writing and mail or otherwise furnish a copy to the Feed Dealer. The contracting officer's decision shall be final and conclusive unless within 30 days from the date of receipt of such copy, the Feed Dealer mails or otherwise furnishes to the Contracting Office a written appeal addressed to the Board of Contract Appeals, care of the Hearing Clerk, United States Department of Agriculture (USDA), 1400 Independence Ave., Stop 0601, SW, Washington, D.C. 20250. The decision of the Board of Contract Appeals shall be final and conclusive unless determined by a court of competent jurisdiction to have been fraudulent, or capricious, or arbitrary, or so grossly erroneous as necessarily to imply bad faith, or not supported by substantial evidence. In connection with any appeal proceeding under this Part, the Feed Dealer shall be afforded an opportunity to be heard and to offer evidence in support of the appeal. Pending final decision hereunder of a dispute, if performance under the Agreement has not been completed by the Feed Dealer or terminated by CCC, Feed Dealer shall proceed diligently with performance of the Agreement and in accordance with the contracting officer's decision.
- B. The provision of this section does not preclude consideration of any questions of law in connection with decisions provided for in Part 6A. Nothing in the Agreement shall be construed as making final the decision of any administrative official with respect to a question of law.
- C. If an appeal is filed by Feed Dealer from a final decision of the contracting officer under this section denying a claim arising under the Agreement, simple interest in the amount of the claim finally determined owed by CCC shall be payable to Feed Dealer. Such interest shall be at the rate determined by the Secretary of the Treasury pursuant to Public Law 92-41, from the date Feed Dealer furnishes to the contracting officer the written appeal under this section, to the date of (1) a final judgment by a court of competent jurisdiction, or (2) mailing to Feed Dealer of a supplemental Agreement for execution either confirming completed negotiations between the parties or carrying out a decision of a Board of Contract Appeals.

- ## Part 7 - Assignments

Part 8 - Inquiries

Phone: 816-926-6050

CCC assumes no liability for acts committed by employees of the Feed Dealer.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, and marital or family status. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotope, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410 or call (202) 720-5964 (voice or TDD). USDA is an equal opportunity provider and employer.